COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MIKROTEK INTERNET SERVICES, INC.)
COMPLAINANT)
V.) CASE NO. 2002-00478
KENTUCKY ALLTEL, INC.)
DEFENDANT)

<u>O R D E R</u>

On October 9, 2003, Mikrotek Internet Services, Inc. (Mikrotek) filed with the Commission a motion to dismiss its complaint against Kentucky ALLTEL, Inc. (ALLTEL). As grounds for this motion, Mikrotek states that prior to filing the complaint with the Commission, it had been unsuccessful in its attempts to resolve its billing disputes with ALLTEL. Mikrotek and ALLTEL have now reached a resolution of Mikrotek's current billing disputes.

Mikrotek also requests that the Commission dismiss the complaint without prejudice to protect against ALLTEL from reverting to previously alleged behavior, thus creating a new billing dispute.

Mikrotek's motion should be granted except that the Commission will dismiss the case with prejudice. If another billing dispute arises between ALLTEL and Mikrotek, it will involve different facts and, thus, Mikrotek will not be barred from filing with the Commission on those facts.

IT IS THEREFORE ORDERED that:

- 1. Mikrotek s motion to dismiss is granted.
- 2. This case is dismissed with prejudice and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 17th day of October, 2003.

By the Commission

ATTEST:

Executive Director